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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.
09/498,363	02/04/00	NAOUMENKO	Y	1247-0851-6V

IM22/0417

Oblon Spivak McClelland Maier & Neustadt
Fourth Floor
1755 Jefferson Davis Highway
Arlington VA 22202

EXAMINER	
FERGUSON, L	
ART UNIT	PAPER NUMBER
1774	6

DATE MAILED: 04/17/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/498,363	Applicant(s) NAOUMENKO ET AL.	
	Examiner Lawrence Ferguson	Art Unit 1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 February 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☑ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15)☒ Notice of References Cited (PTO-892)
16)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
18)☐ Interview Summary (PTO-413) Paper No(s). _____ .
19)☐ Notice of Informal Patent Application (PTO-152)
20)☐ Other: .

DETAILED ACTION

Claim Rejections – 35 USC 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In claims 8 and 9, it is unclear what is meant by experimental peeling measurements. If it is experimental, it has no definite limitations.

Claim Rejections – 35 USC § 103(a)

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentalbe over Rothe et al. (U.S. 5,137,770).

5. Applicant claims a laminated glazing including at least one sheet and a second sheet bound to each other by an adhesive layer.

6. Rothe discloses a glass body suitable for cementing to another material, said body comprising a glass substrate including at least one layer and a primer layer on a surface in the outer edge area of the glass substrate, said glass substrate having thereon a profile of a first adhesive material located in the outer edge area of the glass substrate, wherein the profile of the first adhesive contacts at least one of the glass substrate, a layer, the primer layer and a profile of the second adhesive wherein the profile of the second adhesive contacts at least two of the glass substrate, a layer, and the primer layer, said first adhesive being solidified while said second adhesive still has adhesive characteristics (column 14, lines 53-68). Rothe discloses glazing procedures occurring with adhesion of a second cement profile still displaying adhesive properties at the time of cementing, to a profile of a first cement that is already solidified at the time of cementing (column 2, lines 58-62). Rothe discloses an intermediate cement layer (column 3, lines 28-29). Rothe discloses the cement layers being chosen from materials such as expoxides, phenol resins, polyurethanes, polyamides and thermoplastic rubber combinations (column 4, lines 9-17). Examiner interprets the thermoplastic rubber combination as an electrical insulator because it does not conduct electricity. Rothe discloses a profile made of the first cement, which is already solidified when the glass body is cemented, is located in the outer edge area of the glass body and a profile of the second cement is also attached in the edge area of the glass body but inside the profile made of the solidified first cement (column 4, lines 1-6). Rothe discloses a contact adhesive in the upper areas on at least one profile made of the first cement (column 5, lines 49-51). Rothe discloses a contact adhesive covered by a removable protective layer where necessary, typically in the form of a double-sided adhesive tape (column 5, lines 52-55). Water recovery is not mentioned per se but would be expected to be the same given that the

same materials are being applied in the manner in which applicant uses in his glazing. Rothe discloses protecting the cement from contact with water by applying a removable watertight layer or a removable strip of an inert plastic (column 7, lines 12-19). Rothe discloses the intermediate layer being a ceramic edge or a primer, or a combination of a ceramic edge and primer (column 8, lines 33-36). Rothe discloses if primer does not completely cover impermeable layer, it can cover primer, impermeable layer and glass body in equal or unequal portions. In this manner, adhesion of a profile can be obtained to three different materials (column 8, lines 59-61). Rothe discloses a profile of the first cement that is placed completely on primer and another profile of the first cement covering impermeable annealing color layer and primer in equal or unequal portions (column 9, lines 22-26). Rothe discloses a primer layer having a thickness around 200 to about 500 micrometers (column 10, lines 60-62). Rothe discloses laminated glass can be used (column 10, lines 66-68). Rothe discloses the glass body can be cemented to a variety of materials being any metal or metal alloy such as aluminum, iron, and iron alloys such as steel (column 11, lines 1-6). Rothe discloses that the metals can also have surface coatings that can be lacquered (column 11, lines 7-8) and the other material can be a plastic such as glass fiber strengthened plastics which includes polyester and epoxy resins (column 11, lines 7-11). Rothe discloses the cemented point being subjected to great stress (column 13, lines 1-2) and a break line ran in such a way that part of the break occurred in the mass of the cement itself. Rothe discloses a glass body being a vehicle pane, a window pane, a laminated glass pane, a steel plate coated with glass, or a multiple pane glass body (column 15, lines 49-52). Rothe does not that the intermediate element is adhered to the intercalated adhesive layer with an adhesion strength corresponding to an experimental peeling measurement as

claimed. The experimental peeling measurement would be expected to be in the range as instantly claimed given that the same materials are being used absent any evidence to the contrary. Rothe does not disclose a tensile strength of the intermediate element. The tensile strength would be expected to be in the same range as instantly claimed given that the same materials are being used, absent any evidence to the contrary. It would have obvious to one of ordinary skill in the art to make the claimed invention because Rothe teaches a laminated glazing with at least two layers bound to each other by an intermediate adhesive layer using the same materials as instantly claimed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Ferguson whose telephone number is (703) 305- 9978. The examiner can normally be reached on Monday through Friday 8:30 AM – 4:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (703) 308-0449. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5436 for regular communications and (703) 305-3599 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

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April 11, 2001

CYNTHIA H. KELLY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700